



## *Report to the Auburn City Council*

Action Item  
Agenda Item No. **7**

*[Signature]*  
City Manager's Approval

**To:** Mayor and City Council Members  
**From:** Lance E. Lowe, AICP, Associate Planner *[Signature]*  
**Date:** June 13, 2011  
**Subject:** An Ordinance to Extend the Expiration Date of Discretionary Entitlements Consistent with the Subdivision Map Act (*Government Code Sections 66452.21 & 66452.22*) – Admin. File 301.3(u)

### *The Issue*

Should the City Council Adopt an Ordinance to Amend Various Sections of the Auburn Municipal Code to Extend the Expiration Date of Discretionary Entitlements Consistent with the Subdivision Map Act?

### *Conclusions and Recommendation*

The Planning Commission recommends that the City Council take the following action:

Introduce and Hold a First Reading, by Title only, of an Ordinance Amending Various Sections of the Auburn Municipal Code to Extend the Expiration Date of Discretionary Entitlements Consistent with the Subdivision Map Act (**Attachment 1**).

### *History*

On July 15, 2008 and July 15, 2009, the State Legislature adopted two urgency ordinances known as Senate Bill (SB) 1185 and Assembly Bill (AB) 333 respectively. SB 1185 extended the expiration date of approved tentative maps an additional 12 months, for any tentative map, that had not expired prior to January 1, 2011. Assembly Bill (AB) 333 extended the expiration date for an additional 24 months for any tentative map that had not expired before January 1, 2012. SB 1185 and AB 333 were codified in Government Code Sections 66452.21 and 66452.22 of the State Subdivision Map Act (**Attachment 1 of Exhibit A**).

### *Background*

On May 17, 2011, the Auburn Planning Commission recommended that the City Council adopt the draft ordinance as presented (Motion: Worthington; Seconded: Vitas; Ayes: Spokely, Vitas, Worthington, Young, & Snyder) (**Attachment 2**). At the Planning Commission public hearing, Commissioner Spokely noted that new legislation (AB 208) is being proposed by the Assembly which would extend tentative maps for an additional two (2) years.

No persons spoke for or against the proposed zoning code amendment at the Planning Commission public hearing.

### Analysis

The proposed Entitlement Extension Ordinance amends various sections of the Auburn Municipal Code by extending all discretionary (i.e. Design Review, Use Permit, etc.) entitlements consistent with the State Subdivision Map Act (*Government Code §66452.21 & 66452.22*). That is where projects have been approved with a tentative map and included other discretionary entitlements, such as: Design Review, Use Permit, Tree Permit, etc. all approved entitlements would expire concurrently with the approved tentative map.

The proposed Entitlement Extension Ordinance eliminates the need to have an applicant request an extension of an entitlement where one or more entitlements may expire, while the tentative map remains valid in accordance with the Subdivision Map Act.

As drafted, the proposed ordinance amends the City of Auburn Municipal Code by adding the following provisions:

(A) If a tentative or vesting tentative subdivision map or parcel map for which a tentative or vesting tentative map, as the case may be, would have expired after July 15, 2008 and before January 1, 2011, then every discretionary permit or entitlement that was (i) relating to the map; and (ii) issued pursuant to Title XV of the Municipal Code shall be extended by 12 months; and,

(B) If a tentative or vesting tentative subdivision map or parcel map for which a tentative or vesting tentative map, as the case may be, would have expired after July 15, 2009 and before January 1, 2012, then every discretionary permit or entitlement that was (i) relating to the map; and (ii) issued pursuant to Title XV of the Municipal Code, shall be extended by 24 months.

(C) If California statutory law is amended during the 2011-2012 legislative cycle to extend tentative or vesting tentative subdivision or parcel maps for a specified time frame, then every discretionary permit or entitlement that was (i) relating to the map; and (ii) issued pursuant to Title XV of the Municipal Code, shall be extended by the same specified time frame mandated by the newly enrolled state statutes.

In response to the Planning Commission's comments, staff has added item (C) above which would extend the expiration of any entitlements consistent with subsequent extensions adopted by the State legislature during the 2011-2102 sessions (e.g. AB 208).

The tentative maps which are extended as a result of the State Subdivision Map Act (*Government Code Sections §66452.21 & 66452.22*) and subject to the proposed ordinance are listed in the attached matrix (**Attachment 2 of Exhibit A**).

Correspondence has been forwarded to applicant's previously notifying them of their tentative map extension adopted by the State. The Planning Commission recommended that, should the

City Council approve the attached Entitlement Ordinance, staff notify the applicants again of their entitlement extension.

Staff has coordinated with the City Attorney on the ordinance, as drafted. Note that minor edits to the draft ordinance, recommended by the City Attorney, have been made since the Planning Commission public hearing.

### **Environmental Determination**

The Auburn Community Development Department reviewed this project for compliance with the California Environmental Quality Act (CEQA) and found it to qualify as both Statutory and Categorical Exemptions in accordance with the CEQA Guidelines per Section 15061 (b)(3) and Section 15305 (Minor Land Use Limitations).

### **Alternatives Available to Council; Implications of Alternatives**

1. Adopt the Ordinance Amending Various Sections of the Auburn Municipal Code as presented, or as Amended by the City Council; or,
2. Do not adopt the Ordinance Amending Various Sections of the Auburn Municipal Code and provide further direction to staff

### **Fiscal Impacts**

The costs associated with an entitlement extension request by an applicant are defrayed by application fees; however, extending all entitlements consistent with the Subdivision Map Act extensions reduces staff time to process extension requests for Planning Commission consideration.

The staff costs incurred for the preparation of the draft ordinance, in consultation with the City Attorney, has been budgeted.

### **Additional Information**

Please see the following attachments for more details:

#### **ATTACHMENTS –**

1. Draft Entitlement Extension Ordinance
2. Draft Planning Commission Minutes dated May 17, 2011

#### **EXHIBIT –**

- A. Planning Commission Staff Report dated May 17, 2011 with Attachments & Exhibit:

**Attachment 1** – Government Code Section 66452.21 & 66452.22

**Attachment 2** – Tentative Maps with Automatic Extensions Matrix

**Exhibit A.1** – Planning Commission Resolution No. 11-7 with Attached Draft Entitlement Extension Ordinance No. 11-\_\_\_\_\_



# ATTACHMENTS

ORDINANCE NO. 11-\_\_\_\_

AN ORDINANCE OF THE CITY OF AUBURN TO EXTEND THE EXPIRATION DATE  
OF DISCRETIONARY ENTITLEMENTS FOR PROJECTS CONSISTENT WITH THE  
SUBDIVISION MAP ACT (GOVERNMENT CODE  
SECTIONS §66452.21 and §66452.22)

-----  
THE CITY COUNCIL OF THE CITY OF AUBURN DOES ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council of the City of Auburn hereby finds:

(A) As a result of the economy and slowed development activity in the City of Auburn and in consideration of adopted urgency ordinances SB 1185 and AB 333, adopted by the State Legislature, the City Council believes it necessary to adopt this ordinance.

(B) This Ordinance is adopted in accordance with Senate Bill (SB) 1185 and Assembly Bill (AB) 333, which added Sections 66452.21 & 66452.22 to the Government Code (Subdivision Map Act) to extend the expiration date of approved subdivision maps and parcel maps.

(C) AB 333 and SB 1185 extended the useful life of approved subdivision maps and parcel maps, but not the entitlements relating to those maps, even though it is in the best interest of the city, the public, and the applicant for the underlying entitlements to be similarly extended.

(D) The Auburn City Council has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1 (i) Staff report prepared by the Community Development Department for  
2 the May 17, 2011 Planning Commission meeting and June 13, 2011 City  
3 Council meeting;

4 (ii) Planning Commission recommendation on the proposed ordinance;

5 (iii) The proposed ordinance;

6 (iv) Staff presentation at the public hearing held on June 13, 2011;

7 (v) Public comments, both written and oral, received and/or submitted at  
8 or prior to the public hearings;

9 (vi) All related documents received and/or submitted at or prior to the  
10 public hearings;

11 (vii) The City of Auburn General Plan, Municipal Code, and all other  
12 applicable regulations and codes;

13 (viii) This ordinance is consistent with the State Subdivision Map Act and is  
14 necessary to protect the health, safety and general welfare; and,

15 (ix) The project is exempt from CEQA per Section 15061(b)(3) because  
16 this ordinance will merely extend the useful life of projects which have already  
17 undergone all necessary environmental review and mitigation. Therefore, it  
18 can be seen with certainty that there is no possibility that this ordinance may  
19 have a significant effect on the environment.

20  
21 Section 2. Effect of Ordinance. The City Council hereby enacts as follows:

22  
23 (A) If a tentative or vesting tentative subdivision map or parcel map for  
24 which a tentative or vesting tentative map, as the case may be, would have  
25 expired after July 15, 2008 and before January 1, 2011, then every  
26 discretionary permit or entitlement that was (i) relating to the map; and (ii)  
27 issued pursuant to Title XV of the Municipal Code shall be extended by 12  
28 months; and,

1  
2 (B) If a tentative or vesting tentative subdivision map or parcel map for  
3 which a tentative or vesting tentative map, as the case may be, would have  
4 expired after July 15, 2009 and before January 1, 2012, then every  
5 discretionary permit or entitlement that was (i) relating to the map; and (ii)  
6 issued pursuant to Title XV of the Municipal Code, shall be extended by 24  
7 months.

8 (C) If California statutory law is amended during the 2011-2012 legislative  
9 cycle to extend tentative or vesting tentative subdivision or parcel maps for  
10 a specified time frame, then every discretionary permit or entitlement that  
11 was (i) relating to the map; and (ii) issued pursuant to Title XV of the  
12 Municipal Code, shall be extended by the same specified time frame  
13 mandated by the newly enrolled state statutes.  
14

15 Section 3. Intent of Ordinance. Nothing in this Ordinance is intended to  
16 be inconsistent with state or federal law. This ordinance shall be interpreted in  
17 light of that intent.  
18

19 Section 4. Effective Date. This Ordinance shall take effect thirty days  
20 following its adoption as provided by Government Code Section 36937.  
21

22 Section 5. Severability. Should any provision, section, paragraph,  
23 sentence or word of this Ordinance be rendered or declared invalid by any  
24 court of competent jurisdiction or by reason of any preemptive legislation, the  
25 remaining provisions, sections, paragraphs, sentences or words of this  
26 Ordinance shall remain in full force and effect.  
27  
28

1        Section 6. Certification & Notice. The City Clerk shall certify to the  
2 passage and adoption of this Ordinance and shall give notice of its adoption as  
3 required by law. Pursuant to Government Code Section 36933, a summary of  
4 this Ordinance may be published and posted in lieu of publication and posting  
5 of the entire text.

6  
7 DATED: June 13, 2011  
8  
9

10  
11 \_\_\_\_\_  
William W. Kirby, M.D., Mayor

12 ATTEST:  
13

14 \_\_\_\_\_  
Joseph G. R. Labrie, City Clerk

15  
16 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify  
17 that the foregoing ordinance was duly passed at a regular meeting of the City  
18 Council of the City of Auburn held on the 13<sup>th</sup> day of June 2011 by the  
19 following vote on roll call:

20 Ayes:

Noes:

Absent:

21 \_\_\_\_\_  
Joseph G. R. Labrie, City Clerk  
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**MINUTES OF THE  
AUBURN CITY PLANNING COMMISSION MEETING  
May 17, 2011**

The regular session of the Auburn City Planning Commission was called to order on May 17, 2011 at 6:00 p.m. by Chair Snyder in the Council Chambers, 1225 Lincoln Way, Auburn, California.

**COMMISSIONERS PRESENT:** Spokely, Vitas, Worthington, Young & Snyder

**COMMISSIONERS ABSENT:**

**STAFF PRESENT:** Will Wong, Community Development Director  
Lance E. Lowe, AICP, Associate Planner

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. APPROVAL OF MINUTES**

None

**IV. PUBLIC COMMENT**

None

**V. PUBLIC HEARING ITEMS**

- A. ENTITLEMENT EXTENSION ORDINANCE – FILE 301.3(u).** The Planning Commission will provide a recommendation to the City Council on the City of Auburn's Entitlement Extension Ordinance, which amends the Auburn Municipal Code, by extending the expiration date of discretionary entitlements consistent with the State Subdivision Map Act (Government Code Sections §66452.21 & §66452.22).

Planner Lowe gave the staff report, summarizing the Entitlement Extension Ordinance in response to the State Subdivision Map Act Extensions.

Commissioner Spokely noted that the Assembly is working on AB 208 which extends the life of tentative maps for an additional two years, but that the Subdivision Map Act limits the total timeframe to ten (10) years.

Commissioner Worthington asked if the applicants were notified of the Entitlement Extension Ordinance.

Planner Lowe responded that the applicants were not notified of the Entitlement Extension Ordinance presented tonight, but were notified of the previous State Subdivision Map Act extensions. Planner Lowe also noted that staff would be contacting the applicants should the City Council approve the Entitlement Extension Ordinance.

Commissioner Vitas asked for clarification about the Entitlement Extension Ordinance.

Planner Lowe provided examples for specific projects previously approved by the Planning Commission.

Commissioner Worthington **MOVED** to recommend that the City Council approve the Entitlement Extension Ordinance as proposed.

Commissioner Vitas **SECONDED** the motion.

AYES:	Spokely, Vitas, Worthington, Young & Snyder
NOES:	None
ABSTAIN:	None
ABSENT:	None

The motion was approved.

## **VI. COMMISSION BUSINESS**

### **A. Sign Ordinance Update Task/Schedule**

Planner Lowe discussed the Sign Ordinance Update Task/Schedule and proposed steps in updating the City's Sign Ordinance. Staff has begun to research other City's Sign Ordinances and will present a list of changes for Planning Commission discussion in July. The proposed schedule includes numerous opportunities for public outreach to the business community.

Commissioner Worthington asked about the Planning Commissioner Workshop hearings and the intent of those meetings.

Director Wong replied that in working through the update, staff wanted a number of opportunities for the business community to participate.

## **VII. COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS**

### **A. City Council Meetings**

Director Wong noted that starting in May, City Departments will be providing reports to the City Council on the various operations for each respective

department. These reports will be beneficial for the City Council as they continue to discuss and finalize the City's budget for the next fiscal year.

**B. Future Planning Commission Meetings**

None

**C. Reports**

None

**VIII. PLANNING COMMISSION REPORTS**

The purpose of these reports is to provide a forum for Planning Commissioners to bring forth their own ideas to the Commission. No decisions are to be made on these issues. If a Commissioner would like formal action on any of these discussed items, it will be placed on a future Commission agenda.

None

**IX. FUTURE PLANNING COMMISSION AGENDA ITEMS**

Planning Commissioners will discuss and agree on items and/or projects to be placed on future Commission agendas for the purpose of updating the Commission on the progress of items and/or projects.

None

**X. ADJOURNMENT**

The meeting adjourned at 6:25 p.m.

Respectfully submitted,

Lance E. Lowe

# EXHIBIT





## CITY OF AUBURN

Planning Commission – Staff Report

Meeting Date: May 17, 2011

Prepared by: Lance E. Lowe, AICP, Associate Planner

## EXHIBIT A

ITEM NO.  
V-A

**ITEM V-A:** ENTITLEMENT EXTENSION ORDINANCE – AN ORDINANCE TO EXTEND THE EXPIRATION DATE OF DISCRETIONARY ENTITLEMENTS CONSISTENT WITH THE STATE SUBDIVISION MAP ACT (GOVERNMENT CODE SECTIONS 66452.21 & 66452.22) – ADMIN. FILE 301.3(u).

**REQUEST:** Recommendation to the City Council on the City of Auburn's Entitlement Extension Ordinance, which amends various sections of the Auburn Municipal Code by extending the expiration date of discretionary entitlements consistent with the State Subdivision Map Act (*Government Code Sections 66452.21 & 66452.22*).

### RECOMMENDED MOTION:

That the Planning Commission recommends that the City Council take the following action:

- A. Adopt Resolution 11-7 (**Exhibit A**) recommending that the Auburn City Council adopt the Entitlement Extension Ordinance amending various sections of the Auburn Municipal Code, to extend the expiration date of discretionary entitlements as presented, or as amended by the Planning Commission, which includes the following actions:
1. Adoption of a Statutory Exemption prepared for the Entitlement Extension Ordinance as the appropriate level of environmental review in accordance with Section 15061 (b)(3) of the California Environmental Quality Act (CEQA) Guidelines;
  2. Adoption of Findings of Fact for approval of the Entitlement Extension Ordinance, as presented in the Staff Report; and,
  3. Approval of the Entitlement Extension Ordinance as presented in this Staff Report.

### HISTORY/BACKGROUND:

On July 15, 2008 and July 15, 2009, the State Legislature adopted two urgency ordinances known as Senate Bill (SB) 1185 and Assembly Bill (AB) 333. SB 1185 extended the expiration date of approved tentative maps an additional 12 months, for any tentative map, that had not expired prior to January 1, 2011. Assembly Bill (AB) 333 extended the expiration date for additional 24 months for any tentative map that had not expired before January 1, 2012.

SB 1185 and AB 333 were codified in Government Code Sections 66452.21 and 66452.22 of the State Subdivision Map Act (**Attachment 1**).

## PROJECT DESCRIPTION:

The proposed entitlement extension ordinance amends various sections of the Auburn Municipal Code by extending all discretionary (i.e. Design Review, Use Permit, etc.) entitlements consistent with the State Subdivision Map Act (*Government Code §66452.21 & 66452.22*). That is, where projects have been approved with a tentative map and included other discretionary entitlements, such as: Design Review, Use Permit, Tree Permit, etc. all approved entitlements will expire concurrently with the approved tentative map.

The proposed Entitlement Extension Ordinance eliminates the need to have an applicant request an extension of an entitlement where one or more entitlements may expire, while the tentative map remains valid in accordance with the Subdivision Map Act.

As drafted, the proposed ordinance amends the City of Auburn Municipal Code by adding the following provisions:

(i) The expiration dates for all entitlements, for projects, that included a tentative map that would have expired after July 15, 2008 and before January 1, 2011 shall be extended by 12 months; and,

(ii) The expiration dates for all entitlements, for projects, that included a tentative map that would have expired after July 15, 2009 and before January 2012 shall be extended by 24 months.

The tentative maps which are extended as a result of the State Subdivision Map Act (*Government Code Sections §66452.21 & 66452.22*) and subject to the proposed ordinance are listed in the attached matrix (**Attachment 2**). Correspondence has been forwarded to applicant's notifying them of their tentative map extension adopted by the State.

## ANALYSIS:

The amendment of the Subdivision Map Act (*Government Code §66452.21 & 66452.22*) extended the life of tentative maps and unilaterally amended various sections of the Auburn Municipal Code by overriding the City's provisions for the expiration of tentative maps. Accordingly, multiple entitlements for a single project will have differing entitlement expiration dates. For example, an applicant may have approval of a Use Permit and Tentative Map for a single project and would be required to extend the Use Permit, while the tentative map continued to be valid in accordance with the State Subdivision Map Act. Considering that entitlements for a single project are not mutually exclusive, staff believes it prudent to extend all project entitlements consistent with State Subdivision Map Act expiration dates.

Approval of the entitlement extension ordinance would eliminate the need for an applicant to extend one or more entitlements, while the life of the tentative map for the same project remains valid.

**ENVIRONMENTAL DETERMINATION:**

The Auburn Community Development Department reviewed this project for compliance with the California Environmental Quality Act (CEQA) and found it to be Statutorily Exempt from the provisions of CEQA per Section 15061 (b)(3) for the adoption of a Entitlement Extension Ordinance as follows:

(b) A project is exempt from CEQA if:

(3) The activity is covered by a general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

**ATTACHMENTS:**

1. Government Code Sections 66452.21 & 66452.22
2. Tentative Maps with Automatic Extensions Matrix

**EXHIBIT:**

- A. Planning Commission Resolution 11-7 with attached Draft Entitlement Extension Ordinance 11-\_\_\_\_\_



# ATTACHMENTS



## ATTACHMENT 1

to a (condominium, community apartment, or stock cooperative project). Commencing on the date of issuance of the subdivision public report, you have the exclusive right for 90 days to contract for the purchase of your rental unit upon the same or more favorable terms and conditions than the unit will initially be offered to the general public.

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(signature of owner or  
owner's agent)

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(date) "

The written notices to tenants required by this section shall be deemed satisfied if the notices comply with the legal requirements for service by mail.

66452.21. (a) The expiration date of any tentative or vesting tentative subdivision map or parcel map for which a tentative or vesting tentative map, as the case may be, has been approved that has not expired on the date that the act that added this section became effective and that will expire before January 1, 2011, shall be extended by 12 months.

(b) The extension provided by subdivision (a) shall be in addition to any extension of the expiration date provided for in Section 66452.6, 66452.11, 66452.13, or 66463.5.

(c) Any legislative, administrative, or other approval by any state agency that pertains to a development project included in a map that is extended pursuant to subdivision (a) shall be extended by 12 months if this approval has not expired on the date that the act that added this section became effective. This extension shall be in addition to any extension provided for in Section 66452.13.

(d) For purposes of this section, the determination of whether a tentative subdivision map or parcel map expires before January 1, 2011, shall count only those extensions of time pursuant to subdivision (e) of Section 66452.6 or subdivision (c) of Section 66463.5 approved on or before the date that the act that added this section became effective and any additional time in connection with the filing of a final map pursuant to subdivision (a) of Section 66452.6 for a map that was recorded on or before the date that the act that added this section became effective. The determination shall not include any development moratorium or litigation stay allowed or permitted by Section 66452.6 or 66463.5.

66452.22. (a) The expiration date of any tentative or vesting tentative subdivision map or parcel map for which a tentative or vesting tentative map, as the case may be, has been approved that has not expired on July 15, 2009, and that will expire before January 1, 2012, shall be extended by 24 months.

(b) The extension provided by subdivision (a) shall be in addition to any extension of the expiration date provided for in Section 66452.6, 66452.11, 66452.13, 66452.21, or 66463.5.

(c) Any legislative, administrative, or other approval by any state agency that pertains to a development project included in a map that is extended pursuant to subdivision (a) shall be extended by 24 months if this approval has not expired on July 15, 2009. This

extension shall be in addition to any extension provided for in Sections 66452.13 and 66452.21.

(d) (1) For purposes of this section, the determination of whether a tentative subdivision map or parcel map expires before January 1, 2012, shall count only those extensions of time pursuant to subdivision (e) of Section 66452.6 or subdivision (c) of Section 66463.5 approved on or before July 15, 2009, and any additional time in connection with the filing of a final map pursuant to subdivision (a) of Section 66452.6 for a map that was recorded on or before July 15, 2009.

(2) The determination made pursuant to this subdivision shall not include any development moratorium or litigation stay allowed or permitted by Section 66452.6 or 66463.5.

(e) The provisions of Section 65961 relating to conditions that may be imposed upon or after a building permit for a subdivision of single- or multiple-family residential units or a parcel map for a subdivision for which no tentative map was required, are modified as set forth in subdivisions (e) and (f) of Section 65961 for tentative maps extended pursuant to this section.

**TENTATIVE MAPS WITH AUTOMATIC EXTENSIONS**  
(sorted by name)

Project Name	File Number(s)	Original Expiration Date	Expiration Date per SB 1185 (1-yr Extension)	Expiration Date per AB 333 (2-yr Extension)
Arnold Lot Split	LS 05-1	11/6/2008	11/6/2009	11/6/2011
Auburn Bluffs Sub	SUB 07-3	1/15/2010	1/15/2011	1/15/2013
Canyon Creek Sub	SUB 03-2 SUB EXT 03-2(A)	2/7/2008 2/7/2009	2/7/2010	2/7/2012
Canyon Ridge Lane Sub	SUB 06-2	9/5/2008	9/5/2009	9/5/2011
Cavolt Lot Split	LS 07-1	6/19/2009	6/19/2010	6/19/2012
Courtyard Prof. Center	LS 08-3	5/19/2011	N/A	5/19/2013
Donovan Lot Split	LS 05-2	11/6/2009	11/6/2010	11/6/2012
Fralick Lot Split	LS 06-4	9/18/2009	9/18/2010	9/18/2012
Palm Point Townhomes	SUB 05-4	2/6/2009	2/6/2010	2/6/2012
Summer Ridge Sub	SUB 05-3	12/5/2008	12/5/2009	12/5/2011
Sunny Creek Sub	SUB 06-1	12/5/2008	12/5/2009	12/5/2011
Thornton LS	LS 07-3	3/4/2010	3/4/2011	3/4/2013
Vienna Woods Sub	SUB 04-4 SUB EXT 04-4(A) SUB EXT 04-4(B)	6/21/2007 6/21/2008 6/21/2011	6/21/09	6/21/2013
Walker LS	LS 06-2	7/9/2009	7/9/2010	7/9/2012
Wall Street Gardens Sub	SUB 05-2 SUB EXT 05-2(A)	7/18/2008 7/18/2011	7/18/2009	7/18/2013
White Hawk Meadows	SUB 08-1	3/3/11	N/A	3/3/2013

# EXHIBIT



**PLANNING COMMISSION RESOLUTION NO. 11-7**

**A RESOLUTION OF THE CITY OF AUBURN PLANNING COMMISSION  
RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE TO  
EXTEND THE EXPIRATION DATE OF ENTITLEMENTS CONSISTENT WITH THE  
STATE SUBDIVISION MAP ACT EXTENSIONS (GOVERNMENT CODE SECTION  
66452.21 & 66452.22) (ADMIN FILE# 301.3(w))**

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**Section 1.** The City of Auburn Planning Commission held a public hearing at its regular meeting of May 17, 2011 to consider a recommendation to the City Council to adopt an ordinance to extend the expiration date of entitlements consistent with the State Subdivision Map Act Extensions (Government Code Section 66452.21 & 66452.22).

**Section 2.** The City of Auburn Planning Commission has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. Agenda report prepared by the Community Development Department for the May 17, 2011, meeting.
2. The draft text amendment of various sections of the Auburn Municipal Code.
3. Staff presentation at the public hearing held on May 17, 2011
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing.
5. All related documents received and/or submitted at or prior to the public hearing.
6. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes.

**Section 3.** In view of all of the foregoing evidence, the City of Auburn Planning Commission recommends the following:

1. The Auburn Community Development Department reviewed this project for compliance with the California Environmental Quality Act (CEQA) and found it to be Statutorily Exempt from the provisions of CEQA per Section 15061(b)(3) for projects where it can be seen with certainty that no significant effect will occur.
2. The adoption of the Entitlement Extension Ordinance is consistent with the goals, objectives and policies of the City's General Plan; and,
3. The adoption of the Entitlement Extension Ordinance is consistent with the State Subdivision Map Act and is the minimum necessary to protect the health, safety and general welfare.

**Section 4.** In view of all of the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission hereby recommends adoption of a Statutory Exemption in accordance with Section 15061 (b)(3) of the California Environmental Quality Act (CEQA) and Guidelines.

**Section 5.** In view of all of the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission hereby recommends that the City Council approval the Entitlement Extension Ordinance attached herewith as **ATTACHMENT 1.**

**Section 6.** In view of all the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission, upon motion by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_ hereby recommends adoption of the Statutory Exemption and recommends that the City Council adopt the Entitlement Extension Ordinance and carried by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**PASSED AND RECOMMENDED** this 17<sup>th</sup> day of May, 2011.

\_\_\_\_\_  
Chairman, Planning Commission  
of the City of Auburn, California

ATTEST: \_\_\_\_\_  
Community Development Department

ORDINANCE NO. 11-\_\_\_\_

AN ORDINANCE OF THE CITY OF AUBURN TO EXTEND THE EXPIRATION DATE  
OF DISCRETIONARY ENTITLEMENTS FOR PROJECTS CONSISTENT WITH THE  
STATE SUBDIVISION MAP ACT (*GOVERNMENT CODE*  
*SECTIONS §66452.21 and §66452.22*)

-----  
THE CITY COUNCIL OF THE CITY OF AUBURN DOES ORDAIN AS FOLLOWS

Section One: The City Council of the City of Auburn hereby finds:

(A) As a result of the economy and slowed development activity in the City of Auburn and in consideration of adopted urgency ordinances SB 1185 and AB 333, adopted by the State Legislature, the City Council believes it necessary to adopt this ordinance.

(B) This Ordinance is adopted in accordance with Senate Bill (SB) 1185 and Assembly Bill (AB) 333, which amended Sections 66452.21 & 66452.22 of the Government Code (Subdivision Map Act) and which unilaterally amended City of Auburn Municipal Code provisions enacted thereto.

(C) To extend all discretionary development entitlements for projects within the City, that included a tentative map, it is the desire of the City Council to amend the City of Auburn Municipal Code by adopting this Ordinance thereby extending approved entitlements consistent with the Subdivision Map Act of the State.

(D) The City Council hereby adopts this Ordinance to extend the expiration date of all discretionary entitlements for projects that included a tentative map.

1 in accordance with the Subdivision Map Act (*Government Code Section*  
2 *§66452.21 and §66452.22*) as follows:

3  
4 (i) The expiration dates for all entitlements, for projects, that included a  
5 tentative map that would have expired after July 15, 2008 and before January  
6 1, 2011 shall be extended by 12 months; and,

7 (ii) The expiration dates for all entitlements, for projects, that included a  
8 tentative map that would have expired after July 15, 2009 and before January  
9 1, 2012 shall be extended by 24 months.

10  
11 (E) The Auburn City Council has considered all of the evidence submitted into  
12 the administrative record which includes, but is not limited to:

13  
14 (i) Staff report prepared by the Community Development Department for  
15 the May 17, 2011 Planning Commission meeting and June 13, 2011 City  
16 Council meeting;

17 (ii) Planning Commission recommendation on the proposed amendment to  
18 the City of Auburn Municipal Code;

19 (iii) The proposed text amendment of the City of the Auburn Municipal  
20 Code;

21 (iv) Staff presentation at the public hearing held on June 13, 2011;

22 (v) Public comments, both written and oral, received and/or submitted at  
23 or prior to the public hearings;

24 (vi) All related documents received and/or submitted at or prior to the  
25 public hearings;

26 (vii) The City of Auburn General Plan, Zoning Ordinance, and all other  
27 applicable regulations and codes;

28 (viii) The amendment to the Auburn Municipal Code is consistent with the



1 State Subdivision Map Act and is the minimum necessary to protect the health  
2 safety and general welfare; and,

3 (ix) The project is found it to be Statutorily Exempt from the provisions  
4 of CEQA per Section 15061(b)(3) for projects where it can be seen with  
5 certainty that no significant effect will occur.

6  
7 (F) It is the City Council's intention that nothing in this Ordinance shall  
8 conflict with preemptive state or federal law and this ordinance shall be  
9 interpreted in light of that intent.

10  
11 Section Two: This Ordinance shall take effect thirty days following its  
12 adoption as provided by Government Code Section 36937.

13  
14 Section Three: Should any provision, section, paragraph, sentence or  
15 word of this Ordinance be rendered or declared invalid by any court of  
16 competent jurisdiction or by reason of any preemptive legislation, the  
17 remaining provisions, sections, paragraphs, sentences or words of this  
18 Ordinance shall remain in full force and effect.

19  
20 Section Four: The City Clerk shall certify to the passage and adoption of  
21 this Ordinance and shall give notice of its adoption as required by

22  
23 DATED: June 13, 2011  
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William W. Kirby, M.D., Mayor

ATTEST:

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Joseph G. R. Labrie, City Clerk

I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a regular meeting of the City Council of the City of Auburn held on the 13<sup>th</sup> day of June 2011 by the following vote on roll call:

Ayes:  
Noes:  
Absent:

\_\_\_\_\_  
Joseph G. R. Labrie, City Clerk